Testimony of John Hiler

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Chairman Whitfield, Ranking Member Stupak, and members of the subcommittee, my name is John Hiler, and I am co-founder and CEO of Xanga.com. Thank you for inviting me to testify at today's hearing, and we at Xanga look forward to hearing from the other witnesses and members of the subcommittee on this important issue.

WHAT IS XANGA?

Xanga is a place to write.

Xanga was founded in 1999 as a service for authors to publish their ideas on the internet. I had recently written a book on Japanese language and wanted to build a website to publish the book. But at that time it was easier to learn Japanese than build a website where people could easily post content. Xanga was founded to address that challenge.

Today, Xanga has over 27 million registered users and has grown into an industry leader. In May 2006, Alexa Internet, a site that provides information on web traffic, rated Xanga as the 21st most popular English-language website and the 42nd most popular website in the world.

Xanga's predominant use today – a use which became predominant early in Xanga's history - is "weblogging" (also known as "blogging"). It is a form of online

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publishing characterized by relatively frequent posts arranged in reverse-chronological order (the newest posts appear first). Weblogging encourages discussion in the form of "comments." Owners of Xanga weblogs (which we call "Xanga Sites") can allow other users to leave comments on any individual post, to get feedback on ideas and help push ideas in new directions.

Starting in 2002, with the emergence of innovative sites like Friendster, a new form of online interaction exploded onto the scene: "social networking." The predominant use of a social networking website is to publish an online profile – including demographic information, interests, and the like – and to connect to other profiles to create online networks.

In 2005, Xanga's members began asking for a way to better connect with friends and family online. In response to these requests, in April 2006, the company added limited social networking features to its site. But as used by our members, Xanga remains primarily a place to write. Xanga remains more of a publishing site than a social network. As I like to say, the "vibe" of Xanga is much more like a café than a nightclub.

To preserve its literary focus, Xanga has been careful *not* to enable certain features that are typical of more social-focused or dating-oriented websites. Xanga does *not* allow users to search for each other by specific demographic characteristics (e.g. you cannot search Xanga Profiles for 24 year-old, women from Kentucky who are single). Xanga also decidedly does not provide features such as instant messaging, chat and private messaging between members. Xanga feels strongly that these features need strong safety filters in place before we would feel comfortable launching them, especially since these forms of communication occur privately rather than in public.

The huge number of users participating in this blogging phenomenon, and the sheer volume of content generated by these users, create unique challenges in addressing today's concerns over online safety. But Xanga is committed to a comprehensive approach to online safety, and we think we have promising technology solutions that address the challenges posed by the sheer volume of users and content. We'll discuss these solutions later in this testimony.

EXAMPLES OF XANGA USE

Xanga members use the site in many ways - including as a creative outlet, as a way to explore personal identity and spirituality, and as a source of support for difficult issues:

- **CREATIVE OUTLET** – Xanga started as a literary site and today has over 8,500 groups focused on poetry, over 7,000 groups focused on writing, and tens of thousands of additional groups where users share ideas on architecture, art, dancing, drama, photography and the like;

- **PERSONAL IDENTITY AND SPIRITUALITY** – the spirituality and religious community embraced Xanga almost from its beginning, as a way to share and discuss the faith. For example, today the site has almost *40,000* groups dedicated to Christianity. The most popular such group, with over 8,000 members, encourages open discussion from all denominations. Xanga has another 22,000 groups dedicated to other religions and spirituality;

- **SUPPORT GROUPS** – Xanga members have created tens of thousands of support groups covering a huge range of family issues. Xanga has over 2,000 groups that are dedicated to parenting issues, including support for first-time parents, stay-at-

home parents, single parents and even teen parents. One popular group, with almost 600 members, is described by its founder as, "The Family in Crisis - Marriage, Divorce, Separation, Death, Teenage pregnancy, abortion, missing children, housing problems, financial problems, runaway children, child abuse, parent abuse, aging parents, alcoholism, drug abuse. The family today is facing many issues that are destroying happy families. How can we deal with all these issues ? What works ? What doesn't ? Sharing our stories and remedies with each other is a good start."

That last description beautifully summarizes the core value of Xanga to its community: "Sharing our stories and remedies with each other is a good start." Xanga brings together individuals from all over the world so that they can share stories, learn from each other, and ideally learn a bit more about themselves in the process.

BLOGS AND SOCIAL NETWORKS IN AN HISTORICAL CONTEXT

A recurrent theme in the history of media has been the need to protect youth from inappropriate content.

Blogs and social networks have encountered this same issue as they've exploded in popularity. Much like comic books, movies, and video games before it, blogs and social networks draw much of their popularity from youth – who feel that the new medium speaks to them, and belongs uniquely to their generation.

Along with this explosive growth comes an inevitable backlash, as parents and their elected officials express legitimate concerns about the potentially dangerous and corruptive effects of the new medium. This pattern has emerged in virtually every past media sector:

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- **MOVIES** - In 1933, religious groups warned against the "massacre of innocence of youth" and urged a campaign for "the purification of the cinema."

- **COMIC BOOKS** - In 1954, a Senate Subcommittee on Juvenile Delinquency explored connections between juvenile delinquency and the comic books industry.

- **VIDEO GAMES** - In 1993, a Senate Judiciary and Government Affairs Committee hearing was held to discuss video game violence.

Each of these industries - movies, comic books, and video games - eventually ended up embracing the same solution to protect youth: a ratings system that offers age-restricted access.

Drawing on the lessons from the history of earlier media sectors, Xanga has developed its own ratings system (see further description below). In doing so, Xanga hopes to balance the free speech rights of its users, with the need to protect youth from age-inappropriate content.

XANGA AND ITS ONLINE COMMUNITY

Our members very much want to be in an online community that is safe. Through emails and comments on our Xanga Sites, they tell us that they are pleased with our focus on safety issues. And they tell us that they want to *participate* in keeping the Xanga community as safe as possible.

In response to our community's requests, we've embraced a safety model that centers on *empowering our users to help us police and protect the community*. It's the online equivalent of a vast Neighborhood Watch program – and our users are active participants.

Our safety features, such as our ratings and flagging systems, have been well received by the community we serve because these features allow them to take part in patrolling or policing their community.

XANGA.COM: AN INDUSTRY LEADER COMMITTED TO SAFETY

As an industry leader, Xanga is committed to being at the forefront of weblog communities when it comes to looking out for the safety of all its users. There is no one single silver bullet, but Xanga is committed to trying any solution that is feasible. What makes Xanga is unique is its comprehensive, three-part approach that empowers members, parents and Xanga all to take charge of online safety.

Part #1: Advanced Technologies on Xanga.com

Xanga has long employed advanced technologies on its site to empower users to help police their online community and protect their privacy. Xanga is constantly working to update the existing features and develop new ones to ensure it remains an industry leader.

I would like to highlight two technologies that Xanga has developed to empower its members to help police the site, in collaboration with Xanga's abuse team: a ratings system and a flagging system. While both systems are still new and being refined, these technologies have received strong initial reviews from our members and industry experts.

I also want to touch on the lengths Xanga goes through to protect its data for potential cooperation with law enforcement entities.

RATING SYSTEM

Our first safety initiative is a rating system. To address the issue of clean content, Xanga has created a rating system that, among other things, limits access to age-

inappropriate material. A description of how the ratings system works (and looks) can be found in the attached materials.

This ratings system launched on May 26th, allowing members to self-rate their own content. Xanga uses the ratings to limit access to sites that are inappropriate for minors using various measures, including requiring a credit card before members can view sites rated as containing explicit material.

In the event that members are not honest about their self-ratings, Xanga has also built in two safety measures:

First, members are empowered to rate each others' sites; the resultant ratings are then blended together to create a consensus rating for each site or page. These Community Ratings represent the community norm. Of course, not everyone can be trusted to rate sites honestly – so again, we have used an algorithm that detects whether or not a user can be trusted to rate sites reliably. If they can, then their ratings votes are weighted more heavily; if they can't, then they are weighted less heavily.

We have also built in an additional safeguard, where Xanga administrators have the ability to rate sites and override both the Self Rating and the Community Rating.

To assist in this Ratings initiative, Xanga has retained Dr. Arthur Pober as a consultant. Dr. Pober is the former head of the Children's Advertising Review Unit (CARU), founding president of the ESRB (the video game ratings association) and a leading published expert on ratings systems. Dr. Pober is advising Xanga on the design and implementation of its ratings system.

FLAGGING SYSTEM

Our second important safety program is a flagging system that Xanga has developed to allow users to easily report sites that violate Xanga's terms of use. The flagging system launched on May 1, 2006, and has been very effective in rapidly identifying inappropriate content.

In the past, Xanga found that we were not receiving a high volume of reports of inappropriate or illegal content. An investigation revealed the root cause of the problem: the process of reporting inappropriate content on most sites was simply too difficult.

This was a common issue across the blogging and social networking industry.

As a result, Xanga designed and deployed a "one click" flagging system. Now if a Xanga member sees a page with inappropriate content, he or she can view a list of potential flags with just a single click. Then with one more click, that site or page is instantly reported to the Xanga flagging database.

Flagged sites are reviewed by Xanga's trained analysts and shut down as appropriate. Depending on the nature of the flag, these sites may also be reported to the proper authorities, such as the National Center for Missing & Exploited Children (NCMEC). Xanga is a participating member of the NCMEC's CyberTipline, which serves as a clearing house for reports of child pornography. And our new flagging system has significantly enhanced Xanga's ability to help NCMEC combat this issue.

FLAGGING SYSTEM CASE STUDY: CHILD PORN

I recently had the opportunity to attend the Social Networking Dialogue hosted by the National Center for Missing & Exploited Children's (NCMEC). Several of the panels highlighted a new insidious form of child porn: the self-exploitation of youth. With the

advent of web-based publishing tools, youth are increasingly taking photos of themselves without clothes on, and then posting these photos online.

We believe this is one of the more concerning developments in user-generated content, and we've taken every step we can to address this threat.

In cases of self-exploitation, it is absolutely crucial to take these photos down as quick as possible – before they fall into the hands of those who might distribute them further. This is where Xanga's new flagging system really shines. Xanga's 27 million members are each empowered to flag any sites that appear to contain child porn. Then the flagged sites are reviewed by Xanga's analysts, and any confirmed reports of child porn are shut down and reported to NCMEC's CyberTipline, as required by law.

Any flagging system will receive a fair number of false reports, and Xanga's system is no different. We have addressed this by incorporating an algorithm we call, "The Boy Who Cried Wolf." If a user flags a site and there is no "wolf" (in this case, child porn), then in the future, we know that that user isn't very credible. Conversely, if a user flags a site and there is child porn, then in the future, we know that the flagger is especially credible. The result is that over time, Xanga's flagging system has gotten smarter and smarter as it has learned which users are reliable.

As the flagging system has learned who to trust, we have seen the emergence of reliable child protection advocates who surf the Xanga site looking for inappropriate material. These advocates are finding and flagging this material very quickly; our analysts immediately review these flags and delete/report the material right away.

DATA RETENTION AND PRESERVATION

Xanga has embraced best practices in data retention and preservation.

Xanga records IP addresses for every user upon registration and retains that information indefinitely for law enforcement.

As required by law, Xanga will cooperate with law enforcement by sharing IP information upon receipt of a subpoena. If a clear crime has been committed – such as uploading child porn – Xanga will proactively share IP information with the appropriate authorities (in this case, with NCMEC's CyberTipline).

Xanga's practice is to comply with all subpoenas within 1-2 business days, if not significantly faster.

In addition to retaining and preserving IP addresses upon member registration, Xanga is working with NCMEC's CyberTipline to identify other points at which to capture IP addresses (e.g. during photo uploads, during most recent member sign-in, etc.). As soon as NCMEC's recommendations are finalized, we will implement them and begin retaining and preserving this additional IP information as well.

PRIVACY

Xanga has also recently launched several other privacy features, which empower users to control and monitor access to their own sites, not only increasing their privacy, but making them safer as well:

Xanga Footprints

With Xanga Footprints, any participating Xanga member can see the usernames of signed-in visitors to their site. If visitors are not signed in, then the country or state is shown instead.

Xanga supports an "opt out" for this feature, much as the phone companies do for Caller ID. Xanga is also working on a Footprint Lock, which allows members to allow only visitors who have not opted out of Footprints.

Xanga Lock:

With Xanga Lock, only other Xanga members can get access to a given site. This not only hides the site from outsiders, it also prevents the site from being indexed by search engines. Xanga Lock combines with the Footprints feature to provide a powerful method for controlling and monitoring access to a given site.

PROTECTED POSTING

This feature allows users to restrict access of each post to a list of specified friends.

USER BLOCKING

Xanga also supports user blocking, which allows users to block certain people from commenting or subscribing to their sites.

In addition to all of these safety and privacy features, it is important to reiterate what features Xanga does *not* support: instant message, chat, private messaging, private bulletins, and profile search (i.e. the ability to search profiles for specific demographic characteristics).

Part #2: Screening Out Underage Users

Xanga has adopted best practice recommendations for screening out underage users during the registration process. These recommendations, made by the Children's Advertising Review Unit of the Better Business Bureau, include using neutral age-

screening and session cookies. These tools help prevent children under the age of 13 from joining the site, let alone entering private information.

Finally, in the event that a user lies about his or her age in order to evade Xanga's safety measures, Xanga has also recently hired additional staff whose sole responsibility is to respond to reports and inquiries from parents. Xanga's current policy is to act upon all account deletion requests from parents within two business days, and many requests are processed faster than that.

Part #3: Cooperation With Industry Experts and Law Enforcement

Xanga is actively working with experts so its site reflects industry best practices.

WIREDSAFETY.ORG

Xanga works with WiredSafety.org to incorporate industry best practices on its site. Based on input from WiredSafety.org founder Parry Aftab, Xanga has developed a separate section on its site dedicated to online safety, *safety.xanga.com*, which includes safety tips to empower teens, parents and law enforcement to take steps to stay safe in their online community. This safety section is linked to from every page on every Xanga site.

Xanga has also submitted its site for general safety review by WiredSafety.org and is currently participating in an industry effort to help define best practices for social networking sites.

On June 21, Xanga participated in WiredSafety.org's Social Networking Summit. This event brought together law enforcement, industry experts, and several of WiredSafety's "Teenangels" to discuss new and better ways to keep youth safe online.

Xanga's President, Marc Ginsburg, and I both participated on panels exploring the facts and the future of blogging and social networking. It was particularly interesting to hear from the young people who offered their thoughts on how they use blogging and social networking sites and how we can work together to keep them safe.

THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

On June 22, Xanga participated in the National Center for Missing & Exploited Children's (NCMEC) "Social Networking Dialogue" where representatives of social networking sites met with public officials and law enforcement to discuss how best to address industry issues such as youth safety. I participated in a panel discussion in which I described Xanga's Rating System and other safety initiatives.

The NCMEC dialogue was a good opportunity for many experts and industry leaders to come together to share ideas about how we can work to make our medium as safe as possible for all our users, especially children. We believe that every idea or recommendation deserves a place at the table.

BLOGSAFETY.COM

Xanga has become a founding supporter of BlogSafety.com, an online safety forum for parents, tends, educators, and advocates. BlogSafety.com is a project of Tech Parenting Group, a nonprofit organization based in Palo Alto, California, and Salt Lake City, Utah. The forum is co-directed by Larry Magid of SafeKids.com and Anne Collier of NetFamilyNews.org.

LAW ENFORCEMENT

Xanga routinely works with law enforcement to help with investigations. To ensure that we don't violate users' privacy, we do ask that police investigators send us a

subpoena before we pass along any user information. But Xanga has made it a point to respond to any such subpoena within 1-2 business days (and typically within hours).

To make it easier for law enforcement to get through to Xanga in the course of any investigation, and particularly in case of emergencies, Xanga has recently added a link on the bottom of every Xanga Site for, "Law Enforcement." That link points to a special page on Xanga's new safety site (safety.xanga.com) with resources specifically for law enforcement, including a prominent link to contact Xanga.

CONCLUSION

Xanga is fully committed to ensuring the safest possible environment for its members. However, there is no single silver bullet out there to guarantee the safety of our members or those of other social networks. Instead, a comprehensive approach is needed involving technology, cooperation with industry experts and law enforcement and human oversight.

For its part, Xanga is aggressively working to develop and implement advanced technologies on its site to help protect its members. We are reaching out to industry experts to learn more about how we can implement best practices. And we are reaching out to the media, families and safety experts to explain the safety features of Xanga.

Thank you and I look forward to answering any questions.

MPAA

G GENERAL AUDIENCES
All Ages Admitted

PG PARENTAL GUIDANCE SUGGESTED
SOME MATERIAL MAY NOT BE SUITABLE FOR CHILDREN

PG-13 PARENTS STRONGLY CAUTIONED
Some Material May Be Inappropriate for Children Under 13

R RESTRICTED
UNDER 17 REQUIRES ACCOMPANYING
PARENT OR ADULT GUARDIAN

NC-17 NO ONE 17 AND UNDER
ADMITTED

XANGA

a all
all ages allowed

b basic
basic guidance
some material
may not be suitable
for young children

c caution
caution
some material
may be inappropriate
for children

d discretion
discretion required
parent or guardian
approval required
for minors

ex explicit
explicit content
adults only,
no one under 18
allowed